

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

KEITH McMAHON,

Defendant.

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CRIMINAL NO. RDB-08-298

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**GOVERNMENT'S MOTION FOR A
PRELIMINARY FORFEITURE ORDER**

The United States of America, through undersigned counsel and pursuant to pursuant to Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure; 18 U.S.C. § 982; 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p) hereby requests the Court issue an order of forfeiture and in support therefor states as follows:

1. On July 29, 2008, the defendant pled guilty to Count Three of the pending Superseding Indictment, and admitted to Arson in violation of 18 U.S.C. Section 844(i).

2. Section 853(p) of Title 21 of the United States Code provides that property of a defendant not otherwise forfeitable can be forfeited as substitute assets when property that would have been subject to forfeiture -

- (A) cannot be located upon the exercise of due diligence;
- (B) has been transferred or sold to, or deposited with, a third party;
- (C) has been placed beyond the jurisdiction of the court;
- (D) has been substantially diminished in value or;
- (E) has been commingled with other property which cannot be divided without difficulty.

3. In the plea agreement, the defendant agreed to forfeit to the United States all of his right, title, and interest in \$100,000, which the parties stipulated and agreed constituted proceeds of the Defendant's illegal activities. The plea agreement also provided that "the Court may enter an order of criminal forfeiture in the amount of \$100,000.00 at the time of sentencing." The parties also stipulated and agreed in the plea agreement that the Defendant was forfeiting all of his right, title, and interest in money and property already surrendered by the Defendant or seized by the government. In this case, that property includes the Ford Mustang, with VIN# 1ZVFT80N955140292 and license plate number KCK-830, which was set forth in the Superseding Indictment's forfeiture allegation.

4. The Defendant, through his counsel, has indicated that he has no objection to the entry of this proposed forfeiture order.

WHEREFORE, the United States respectfully requests that the Court issue the proposed Preliminary Order of Forfeiture submitted herewith for the convenience of the Court. By its terms, the Preliminary Order of Forfeiture will become a Final Order of Forfeiture at the time of sentencing.

Respectfully submitted,

Rod J. Rosenstein
United States Attorney

Harry M. Gruber
Assistant United States Attorney
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Baltimore, MD 21201
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CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that on this _____ day of October 2008, a copy of the foregoing was delivered via the ECF filing system and first class mail to the following:

Andrea Eileen Jaskulsky
400 East Pratt, Suite 1800
Baltimore, MD 21202

Harry M. Gruber
Assistant United States Attorney